



Billing Code: 8070-01-P

FEDERAL HOUSING FINANCE AGENCY

[No. 2017-N-01]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 30-day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Agency (FHFA or the Agency) is seeking public comments concerning the information collection known as “Community Support Requirements,” which was assigned control number 2590-0005 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a reinstatement of the control number, which expired on February 29, 2016, for a period of three years.

DATES: Interested persons may submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Housing Finance Agency, Washington, DC 20503, Fax: (202) 395-3047, E-mail:

OIRA_submission@omb.eop.gov. Please also submit comments to FHFA, identified by “Proposed Collection; Comment Request: ‘Community Support Requirements, (No. 2017-N-01)’” by any of the following methods:

- Agency Website: www.fhfa.gov/open-for-comment-or-input.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by e-mail to FHFA at RegComments@fhfa.gov to ensure timely receipt by the agency.
- Courier/Hand Delivery, U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service: The mailing address for comments is: Alfred M. Pollard, General Counsel, Federal Housing Finance Agency, 400 Seventh Street, SW., Eighth Floor, Washington, DC 20219. Courier/Hand Delivery packages must be delivered on business days between 9 a.m. and 5 p.m.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA website at <http://www.fhfa.gov>. In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street, SW., Washington, DC 20219. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649-3804.

FOR FURTHER INFORMATION CONTACT: Deattra D. Perkins, Senior Policy Analyst, Division of Housing Mission & Goals, Deattra.Perkins@fhfa.gov, (202) 649-3133; or Sylvia C. Martinez, Manager, Federal Home Loan Bank Housing and Community Investment Programs, Division of Housing Mission & Goals, Sylvia.Martinez@fhfa.gov, (202) 649-3301 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street, SW., Washington, DC 20219. The Telecommunications Device for the Hearing Impaired is (800) 877-8339.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Home Loan Bank System consists of eleven regional Federal Home Loan Banks (Banks) and the Office of Finance (a joint office of the Banks that issues and services their debt securities). The Banks are wholesale financial institutions, organized under authority of the Federal Home Loan Bank Act (Bank Act) to serve the public interest by enhancing the availability of residential housing finance and community lending credit through their member institutions and, to a limited extent, through eligible non-member “housing associates.”¹ Each Bank is structured as a regional cooperative that is owned and controlled by member financial institutions located within its district, which are also its primary customers.

Section 10(g)(1) of the Bank Act requires the Director of FHFA to promulgate regulations establishing standards of community investment or service that Bank member institutions must meet in order to maintain access to long-term advances (i.e., loans with a maturity of five years or greater made by a Bank to a member).² Section 10(g)(2) of the Bank Act requires that, in establishing these community support requirements for Bank members, FHFA take into account factors such as the member’s performance under the Community Reinvestment Act of 1977 (CRA)³ and record of lending to first-time homebuyers.⁴ FHFA’s community support regulation, which establishes standards and

¹ Certain non-member entities are permitted by statute to engage in limited business activities with a Bank. See 12 U.S.C. 1430b. FHFA’s regulations refer to these entities as “housing associates.” See 12 CFR part 1264.

² See 12 U.S.C. 1430(g)(1).

³ 12 U.S.C. 2901 et seq.

⁴ See 12 U.S.C. 1430(g)(2).

review criteria for determining compliance with section 10(g) of the Bank Act, is set forth at 12 CFR part 1290.

Part 1290 requires that each Bank member submit to FHFA biennially a completed Community Support Statement (Form 060), which contains several short questions the answers to which are used by FHFA to assess the responding member's compliance with the community support standards.⁵ Previously, this was accomplished by requiring approximately one-eighth of all members to submit a completed Form in each calendar quarter of a two-year review cycle. Under new streamlined procedures that FHFA is in the process of implementing, all members subject to community support review will be required to submit a completed Form 060 at approximately the same time every two years.⁶

FHFA has revised Form 060 to reflect the new streamlined procedures. These revisions reduce slightly the number of questions on the Form and modify the formatting so that members will be able to complete and submit the Form online. In substance, the revised Form 060 is materially the same as the existing Form. In part I of the Form, a member that is subject to the CRA must record its most recent CRA rating and the year of that rating. Part II of the Form addresses a member's efforts to assist first-time homebuyers. A member may either record the number and dollar amount of mortgage loans made to first-time homebuyers in the previous or current calendar year (part II.A), or indicate the types of programs or activities it has undertaken to assist first-time homebuyers by checking selections from a list (part II.B), or do both. If a member has

⁵ See 12 CFR 1290.2(b).

⁶ See 12 CFR 1290.2(a).

received a CRA rating of “Outstanding,” it need not complete part II of the Form. A copy of the revised Form and related instructions appear at the end of this Notice.

Part 1290 also establishes the circumstances under which FHFA will restrict a member’s access to long-term Bank advances and to Affordable Housing Program (AHP), Community Investment Program (CIP) and Community Investment Cash Advance (CICA) programs for failure to meet the community support requirements.⁷ It permits Bank members whose access to long-term advances has been restricted to apply directly to FHFA to remove the restriction if certain criteria are met.⁸

B. Need for and Use of the Information Collection

FHFA uses the information collection contained in FHFA Form 060 and part 1290 to determine whether Bank members satisfy the statutory and regulatory community support requirements and to ensure that, as required by statute and regulation, only Bank members that meet those requirements maintain continued access to long-term Bank advances and to AHP, CIP, and CICA programs.

C. Burden Estimate

FHFA has analyzed the two facets of this information collection in order to estimate the hour burdens that the collection will impose upon Bank members annually over the next three years. Based on that analysis, FHFA estimates that the total annual hour burden will be 2,287 hours. The method FHFA used to determine the annual hour burden for each facet of the information collection is explained in detail below.

I. Community Support Statements

⁷ See 12 CFR 1290.5(b), (e).

⁸ See 12 CFR 1290.5(d).

FHFA estimates that, on average over the next several years, 7,000 Bank members will be required to submit completed Community Support Statements biennially. This corresponds to an annual average of 3,500 respondents. FHFA estimates that the average preparation time for each Community Support Statement will be 0.65 hours. The estimate for the total annual hour burden on Bank members in connection with the preparation and submission of Community Support Statements is 2,275 hours (3,500 Statements \times 0.65 hours).

II. Requests to Remove a Restriction on Access to Long-Term Advances

FHFA estimates that an annual average of 16 Bank members whose access to long-term advances and to AHP, CIP, and CICA programs has been restricted will submit requests to FHFA to remove those restrictions, and that the average preparation time for each request will be 0.75 hours. The estimate for the total annual hour burden on members in connection with the preparation and submission of requests to remove a restriction on access to long-term advances is 12 hours (16 requests \times 0.75 hours).

D. Comment Request

In accordance with the requirements of 5 CFR 1320.8(d), FHFA published an initial notice requesting comments regarding this information collection in the Federal Register on September 23, 2016.⁹ The 60 day comment period closed on November 22, 2016. No comments were received.

In accordance with the requirements of 5 CFR 1320.10(a), FHFA is publishing this second notice to request comments regarding the following: (1) whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's

⁹ See 81 FR 65645 (Sept. 23, 2016).

estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on members and project sponsors, including through the use of automated collection techniques or other forms of information technology. Comments should be submitted in writing to both OMB and FHFA as instructed above in the **COMMENTS** section.

_____ Dated: _____ January 5, 2017 _____
Kevin Winkler,
Chief Information Officer,
Federal Housing Finance Agency.



FEDERAL HOUSING FINANCE AGENCY
COMMUNITY SUPPORT STATEMENT

FHFA Form # 060
(date)

(see instructions page 2)

FHFA ID Number: _____

Name of Institution: [online form: FHFA automatically fills in once the member enters its FHFA ID Number]

Address: [online form: FHFA fills in]

City: [online form: FHFA fills in] State: [online form: FHFA fills in] Zip Code: [online form: FHFA fills in]

Submitter: _____ Title: _____

Work Email: [not on the paper form; online form only; used for online validation purposes only]

Part I. Community Reinvestment Act (CRA) Standard.

Most recent federal CRA rating: [drop down list]

Year of most recent federal CRA rating: [drop down list]

Part II. First-time Homebuyer Standard: *All Federal Home Loan Bank members must complete either Section A or B of this part, except that members with "Outstanding" federal CRA ratings need not complete this part. Members should use data or activities for the previous or current calendar year in completing this part.*

A. Complete the following two questions: *If your institution did not make, or did not track, mortgage loans to first-time homebuyers, you must complete Section B of this part.*

1. Number of mortgage loans made to first-time homebuyers	# _____
2. Dollar amount of mortgage loans made to first-time homebuyers	\$ _____

B. Check as many as applicable:

- | | |
|---|-------|
| 1. Offer in-house first-time homebuyer program (e.g., underwriting, marketing plans, outreach programs) | _____ |
| 2. Offer other in-house lending products that serve first-time or low- and moderate-income homebuyers | _____ |
| 3. Offer flexible underwriting standards for first-time homebuyers | _____ |
| 4. Participate in nationwide first-time homebuyer programs (e.g., Fannie Mae, Freddie Mac) | _____ |
| 5. Participate in federal government programs that serve first-time homebuyers (e.g., FHA, VA, USDA RD) | _____ |
| 6. Participate in state or local government programs targeted to first-time homebuyers (e.g., mortgage revenue bond financing) | _____ |
| 7. Provide financial support or technical assistance to community organizations that assist first-time homebuyers | _____ |
| 8. Participate in loan consortia that make loans to first-time homebuyers | _____ |
| 9. Participate in or support special counseling or homeownership education targeted to first-time homebuyers | _____ |
| 10. Hold investments or make loans that support first-time homebuyer programs | _____ |
| 11. Hold mortgage-backed securities that may include a pool of loans to low- and moderate-income homebuyers | _____ |
| 12. Use affiliated lenders, credit union service organizations, or other correspondent, brokerage or referral arrangements with specific unaffiliated lenders, that provide mortgage loans to first-time or low- and moderate-income homebuyers | _____ |
| 13. Participate in the Affordable Housing Program or other targeted community investment/development programs offered by the Federal Home Loan Bank | _____ |
| 14. Other (attach description of other activities supporting first-time homebuyers; see instructions for Part II) | _____ |
| 15. None of the above (attach explanation of any mitigating factors; see instructions for Part II) | _____ |

Part III. Certification: By submitting this Community Support Statement, I certify that I am an official of the above institution, that I am authorized to provide this information to FHFA, and that the information in this Statement and any attachments is accurate to the best of my knowledge.

Signed [not on the online form; "Submit" button is equivalent]

Date [not on the online form; date is automatic]

Community Support Statement (FHFA Form 060) Instructions

Purpose: Section 10(g) of the Federal Home Loan Bank Act [12 U.S.C. § 1430(g)] sets forth the community support requirements. Under the Federal Housing Finance Agency's (FHFA) implementing community support regulation [12 CFR part 1290], FHFA is required to take into account a Federal Home Loan Bank (Bank) member's performance under the Community Reinvestment Act of 1977 [12 U.S.C. § 2901 et seq.] (federal CRA) and its record of lending to first-time homebuyers, in determining whether to maintain the member's access to long-term Bank advances and to a Bank's Affordable Housing Program (AHP) and targeted Community Investment Cash Advances (CICA) programs. For purposes of community support review, the term "long-term advances" means advances with a term to maturity greater than one year.

Part I (CRA Standard): Members subject to the federal CRA must complete this part. Provide your institution's most recent federal CRA rating and the year of the rating. Credit unions and insurance companies, which are not subject to the federal CRA, should indicate "N/A" [i.e., not applicable] in the CRA rating field on this Community Support Statement. If your institution is not a credit union or insurance company and is not subject to the federal CRA, indicate the reason for the exemption.

If a member's most recent federal CRA rating is "Needs to Improve," FHFA will place the member on probation. During the probationary period, the member will retain access to long-term Bank advances and Bank AHP and CICA programs. If the member does not receive an improved federal CRA rating at its next CRA evaluation, FHFA will restrict its prospective access to long-term Bank advances and Bank AHP and CICA programs. If a member's most recent federal CRA rating is "Substantial Non-compliance," FHFA will restrict the member's prospective access to long-term Bank advances and AHP and CICA programs. The restriction will remain in effect until the member's federal CRA rating improves.

Part II (First-time Homebuyer Standard): All members, except those with "Outstanding" federal CRA ratings, must complete this part. A member may satisfy the first-time homebuyer standard either by: demonstrating lending performance to first-time homebuyers (Section A); or demonstrating other financial support or participation in programs, products, services or investments, that directly or indirectly assists first-time homebuyers (Section B); or by a combination of both factors. If none of the information requested in this part describes your institution's activities to support first-time homebuyers, you may attach a brief description of other activities of your institution that support first-time homebuyers, or a brief explanation of any mitigating factors that adversely affect your institution's ability to assist first-time homebuyers, such as charter or operational limitations or market conditions.

If a member does not demonstrate assistance to first-time homebuyers or include an explanation of mitigating factors on this Community Support Statement, FHFA will restrict the member's prospective access to long-term Bank advances and Bank AHP and CICA programs. The restriction will remain in effect until the member submits applicable information to FHFA that demonstrates the member's compliance with the first-time homebuyer standard.

Part III (Certification): All members must complete this section. A senior official of your institution with authorization to provide the information in this Community Support Statement must certify that the information in this Community Support Statement and any attachments are accurate to the best of his/her knowledge.

If a member submits a Community Support Statement that does not include this required certification, FHFA will restrict the member's prospective access to long-term Bank advances and Bank AHP and CICA programs.

Assistance: Your institution's Bank has a Community Support Program that can assist you in preparing this Community Support Statement.

Submission: Complete and submit the Community Support Statement and any attachments online to the Federal Housing Finance Agency at [https://www.\[specific fhfa.gov address TBD\]](https://www.[specific fhfa.gov address TBD]).

Federal Housing Finance Agency
Division of Housing Mission and Goals
400 7th Street, S.W.
Washington, D.C. 20219
hmgcommunitysupportprogram@fhfa.gov fax 202.649.4133

Paperwork Reduction Act Statement: Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

